

Ifw

In re Application of
(Patents/patent7/resp1 patent7)
WILLIAM H. VELKE

:PATENT APPLICATION

:FUEL DENSITY REDUCTION METHOD
:AND DEVICE TO IMPROVE THE RATIO
:OF OXYGEN MASS VERSUS FUEL MASS
:DURING IGNITION IN COMBUSTION
:MECHANISMS OPERATING WITH FLUID
:HYDROCARBON FUELS



Application No.: 10/614,004
Art Unit: 3749
pending

RECEIVED

JUL 21 2004
TECHNOLOGY CENTER R3700

RESPONSE TO OFFICE ACTION – CONFIRMATION No: 6276

Re: Election / Restrictions, Detailed Action dated 06/22/04

July 7, 2004

Campbellville, Ontario, Canada

Hon. Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED
AUG -9 2004
OIPE/JCWS

Sir:

Applicant is advised that the Claims in the above stated application are subject to an Election / Restriction requirement under 35 U.S.C. paragraph 121, based on the Examiners interpretation of Applicant's Claims being directed to multiple species, identified by the Examiner as species a) through f).

1) Claim Election – 35 USC Paragraph 121

In accordance with the requirement under 35 USC 121, Applicant herewith submits, under protest, NEW CLAIM 8, dependent on New Method Claim 1, and NEW CLAIM 18, dependent on New Device Claim 10, as the necessary Election of a single species, as requested by the Examiner.

Art Unit: 3749

Applicant however is of the opinion that the Examiner has erred when making the request for Election/Restriction, and gives the following reasons and supportive documentation.

The species listed by the Examiner as being distinct from each other under a), b), c), d), e) and f), are not separate or distinct species, but are instead mechanisms of like species, belonging most likely to the same Classification. Certainly, as the Examiner suggested during a phone consultation previously, that the list of mechanism as presently claimed by Applicant poses an undue burden on the Examiner's examination procedure, is not at all applicable.

Applicant herewith details a similar condition of Claims in his Patent 6,290,487, wherein Examiner Lazarus, now Supervisor of the office section reviewing this application, processed an almost identical group of mechanisms without resorting to the requirement for Election/Restriction, listing all such mechanisms under Classification 431.

Applicant documents a comparison of such Claims for the Examiner's review:

<u>Present Application</u>		<u>Patent 6,290,487</u>	
a)	a space heater	Claim 6 and 15	a space heater
b)	a water heater	Claim 7 and 16	a water heater
c)	a process heater	Claim 8 and 17	a process heater
d)	a hydronic boiler	no equivalent	
e)	a furnace	no equivalent	
f)	a turbine	Claim 9 and 18	a power generator

In Applicant's Patent 5,888,060, Examiner Jones, now retired, processed a further similar group of claimed mechanisms without resorting to the requirement for Election/Restriction, listing all components under Classifications 431 and 110.

Art Unit: 3749

Applicant herebelow documents a further comparison of such Claims based on the above, for the Examiner's review:

<u>Present Application</u>		<u>Patent 5,888,060</u>	
g)	a space heater	Claim 7 and 18	a space heater
h)	a water heater	Claim 8 and 19	a water heater
i)	a process heater	Claim 9 and 20	a process heater
j)	a hydronic boiler	no equivalent	
k)	a furnace	no equivalent	
l)	a turbine	no equivalent	

As shown in Patent 5,888,060, an Examiner may even combine variations of components spanning more than one Classification without placing undue burden on the examination process.

If the Examiner would review the reference to, and explanation for, the term "species", as listed in the New American Roget's Thesaurus, it would be obvious that the term:

SPECIES, n, refers to the following:
variety, category, classification.

It may therefore be improper and inappropriate for the Examiner to consider the mechanisms listed in a) to f) as separate species. Applicant is of the opinion that said mechanisms are all mechanisms of a similar variety, category or even classification, and may therefore be of the same species.

As stated in a related USPTO Comment on Rules:

"Any improper election or restriction requirement is, of course, an undue burden on the Applicant.. Increasing the likelihood of such action should be avoided".

Art Unit: 3749

Applicant therefore respectfully suggests, in addition to having submitted the required Election under protest, that at least some of the originally claimed variations of mechanisms, together with the new single listing in the New Claims, be allowed and reinstated.

2) Priority - 35 USC Paragraph 121

Applicant's previous Amendment to include a reference to the Parent Application of this Divisional Application is considered non-compliant under the requirements of 37 CFR 1,121, and Applicant herewith submits the attached new Amendment in compliance with said requirement, including the prescribed form of declaration and specific reference.

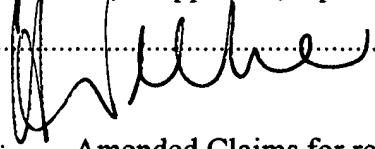
3) Conclusion

Applicant verily believes that his new arguments and supportive documentation in this response have muted Examiner's election request, or have otherwise provided compliance as required.

Applicant is very grateful for the assistance provided by the Examiner and hopes that this response is sufficiently detailed, convincing and acceptable, so that the Examiner will now be able to move this Application to allowance.

July 7, 2004

William H. Velke, Applicant, phone/fax (905) 659-3013

.....


Attached: Amended Claims for replacement of existing
Declaration for Amendment of Disclosure